APPLICATION FOR AN AMENDMENT RECEIVED TO THE LAND USE PLAN MAP OF THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLANNING DIVISION SMALL SCALE AMENDMENT MAY 2016

1. APPLICANTS

Paloma Property Holdings LLC, a Florida limited liability company C/O Sanford Reinhard 1290 Weston Road, Suite 201 Weston, FL 33326 786-285-1128

2. APPLICANT'S REPRESENTATIVE

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By:

Brian S. Adler

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. A change to the Land Use Plan Map. Item A.1 in the fee schedule is requested.

B. <u>Description of the subject property</u>

The subject property (the "Property") comprises 1.3306 +/- net or 2.028+/- gross acres, and is located between N.E. 109th Street and N.E. 110th Street, East of Biscayne Boulevard in unincorporated Miami-Dade County, Florida, lying in Section 32, Township 52, Range 42. The Property is comprised of the following folio numbers 30-2232-010-1210, 30-2232-010-1200, and 30-2232-006-0160, and is more particularly described as follows:

Lots 1, 2, 6, 7 and 8, Block 3, BAY RIDGE SUBDIVISON, according to the Plat thereof, as recorded in Plat Book 20, Page 8, also all of the 10 foot alley in said Block 3 excepting therefrom the Westerly 5 feet of the Southerly 75 feet, said alley having been closed by occupation, of the Public Records of Miami-Dade County, Florida; and Lots 16, 17, 18, 19, 20 and 21, Block 8, **SHORES AMENDED** CORRECTED **BISCAYNE** SUBDIVISION according to the Plat thereof, as recorded in Plat Book 23, Page 52 of the Public Records of Miami-Dade County, Florida.

And

Lot 15, Block 8, Biscayne Shores Corrected Amended Plat, according to the Pl at thereof, as recorded in Plat Book 23, Page 52, of the Public Records of Miami-Dade County, Florida.

And

Lot 9, Block 3, Amended Plat of Bay Ridge, according to the plat thereof, as recorded in Plat Book 20, Page 8, of the Public Records of Miami-Dade County, Florida.

Area Total:

Net: 57,962+/-

Gross: 88,339+/-

C. Gross Acreage

Application area:

88,339+/- sq. ft. = 2.028+/- acres

Acreage owned by applicant: $\underline{59,062}$ sq. ft. $\pm -1.3559 \pm -1.3559 \pm 1.3559 \pm 1.3$

D. Requested Change

- 1. It is requested that the Property be re-designated on the Land Use Plan map from LOW-MEDIUM DENSITY RESIDENTIAL and BUSINESS AND OFFICE to BUSINESS AND OFFICE.
- 2. It is requested that this application be processed as a Small-Scale Amendment under the expedited procedures.

4. REASON FOR AMENDMENT

The Property is adjoining and located adjacent to commercial property. It fronts on Biscayne Boulevard, which the Comprehensive Development Master Plan Future Land Use Map lists as a Major Roadway. The Property consists of the larger parcel having folio number 30-2232-010-1210 ("Principal Parcel"), and the two adjacent, smaller, and contiguous parcels, the northern one having the folio number 30-2232-010-1200, and the southern one having the folio number 30-2232-016-0160 (together, "Adjacent Parcels"). All of the parcels are under common ownership. The requested Small-Scale Amendment would extend the Business and Office designation of the western portion of the Property creating a Business and Office designation formed by Biscayne Boulevard to the west, NE 110th Street to the north, and NE 109th Street to the South.

The Principal Parcel currently contains a split designation of Business and Office (approximately 66% on the western portion) and Low-Medium Density Residential (approximately 34% on the eastern portion) and had operated as a restaurant and nightclub for several decades.

The Business and Office portion of the Principal Parcel of the Property has been utilized for commercial uses since 1969 when, through Resolutions 4-ZAB-596-69, Z-352-69, and Z-353-69, the County approved a district boundary change from residential to commercial use for a portion of the Property and granted approval for non-commercial parking in a more restrictive zone and the use that it serves for the remaining residential portion of the Principal Parcel. The approvals were for a restaurant, along with a liquor, beer and wine bar. The approvals also included parking variances and unusual use approval to permit non-commercial parking in a more restrictive zone, namely the portion of the Principal Parcel that remained zoned RU-2.

The Principal Parcel was later home to the La Paloma Restaurant for many years. Therefore, while a portion of the Principal Parcel remained zoned residential, historically, the use on the entire Principal Parcel of the Property has actually been a commercial/business use. The unusual use approvals that were granted for the prior commercial/business were issued in 1969 and thus prior to the Growth Management Act's strict compliance rules and would not be attainable today. Therefore, to change the use of the Principal Parcel to a commercial use other than what is permitted under the 1969 approval arguably would first require an amendment to the future land use map.

The Adjacent Parcels, are designated Low-Medium Density Residential with the exception of the northwest corner of folio 30-2232-010-1200 (1490 NE 110th Street) which is also designated Business and Office. The re-designation of the Adjacent Parcels with the Principal Parcel will unify the designation of the Property as a whole and allow the currently jagged designation of the Property to be consistent with the existing depth of Business and Office along the Biscayne Boulevard corridor, consistent with the policies and objectives of the CDMP. Policy LU - 1G of the CDMP Land Use Element's textual components provides that business developments shall preferably be placed in

clusters or nodes in the vicinity of major roadway intersections, such as Biscayne Boulevard.

Extending the Business and Office designation on the Property will be consistent with the depth of commercial on the west and east side of Biscayne Boulevard which angles south in this area. The North side of NE 108th Street is developed with commercial uses extending westward to NE 13th Avenue, and the Kmart located between NE 106th and NE 108th Streets, extends westward to NE 12th Avenue. Further, this particular property is situated at the convergence of Biscayne Boulevard, East Dixie Highway and NE 110th Street creating a triangular island in front of the Property. The convergence of the commercial roadways is more compatible with a deeper commercial development than currently designated on the future land use map.

Further, the unusual use approval on the Principal Parcel allowing commercial parking (and thus really commercial uses) was not unique to this Property. Because the Growth Management Act was not in full force at the time, many of the approvals on similarly situated nearby properties prior to 1989 included unusual use approvals and use variances rather than rezoning the particular properties. A review of the zoning map in the area does not provide the complete picture of the actual depth of the commercial uses along ether the East or the West sides of Biscayne Boulevard as many properties, though designated residential on the Future Land Use Map, may actually be used for commercial uses.

Examples of some of these approvals include:

- 1. Resolution 3-ZAB-445-66: Unusual Use to permit non-commercial parking in zones more restrictive than use (11495 Biscayne Blvd.)
- 2. Resolution Z-235-83: unusual use to permit BU-1A parking in RU-2 zone for 14 story office building (11620 Biscayne Blvd.)
- 3. Resolution 4-ZAB-484-85: Use variance for 4 story office/bank building with drive through in RU-3M and BU-1A (11098 Biscayne Blvd.)
- 4. Resolution 4-ZAB-19-88: Unusual use to permit BU-1A parking in RU-3M zone (1451 NE 110th Terrace and SW corner of NE 111 Street and Biscayne Blvd.)
- 5. Resolution Z-118-81: Unusual Use for ingress and egress to BU-2 from RU-4A for a package store, etc. (east side of Biscayne Boulevard and NE 107th Street)
- 6. Resolution 4-ZAB-367-79: Unusual Use to permit BU-1A parking in RU-3M (northwest corner of NE 109th Street and Biscayne Boulevard, since rezoned)
- 7. Resolution Z-354-74: Unusual Use for non-commercial parking in zone more restricted than use it serves (117th and Biscayne Boulevard)
- 8. Resolution 4-ZAB-257-72: Unusual Use to permit non-commercial parking (NE 111th Street East of Biscayne Boulevard)
- 9. Resolution 4-ZAB-626-69: Unusual Use for noncommercial parking in more restrictive zone (NW corner of Biscayne Boulevard and NE 110th Terrace)

Additional rezoning and development approvals in the area over the last several years support re-designation of the Property. These approvals include but are not limited to:

- 1. The property diagonally across Biscayne Boulevard to the southwest of the Property was re-designated under the October 2005 cycle from Business and Office and Low-Medium Density Residential to Medium-High Density Residential and combined with additional property and rezoned to BU-2 to allow a mixed-use multifamily 7 story development pursuant to Resolution CZAB7-3-08.
- 2. The property located between NE 112th Street and NE 115th Street, west of Biscayne Boulevard to NE 13th Avenue, was re-designated in the April 2005 Application Cycle to Business and Office and Medium Density Residential to allow for further infill development.
- 3. The Property located at 11150 and 11190 Biscayne Boulevard is zoned BU-1A, but was approved for a 9 story, 402 residential dwelling unit development pursuant to Resolution CZAB 7-1-14.

Historically, while this section of Biscayne Boulevard has not been the focus of extensive redevelopment, the last decade has seen an increase in development which is anticipated to continue. The proposed redevelopment of the Property will assist in the continued transformation of the corridor. Biscayne Boulevard was recently widened and beautified in this general area and the Property is located to the south of the Biscayne Corridor Community Redevelopment Area. Although not in the actual redevelopment area, utilization of the subject Property will help further the goals espoused by the redevelopment corridor area. Further, with the recent increased interest in residential multifamily development in the area, the re-designation of the Property for commercial use will not negatively impact the residential capacity in the area but will help continue to service the growing residential community. New commercial uses such as Whole Foods have been developed in this area, and have contributed to the overall growing success of redevelopment in the area. The re-designation of the Property will continue that pattern and enhance the livability of this part of the County.

The previous restaurant on the Property was demolished and the Principal Parcel remains vacant. By extending the business and office designation to the east, approval of this application would allow for the meaningful development of the Property. The approval would be consistent with the Miami-Dade County Comprehensive Development Master Plan as it would further the following Goals and Policies:

Objective LU-1

The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity; development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas; and contiguous urban expansion when warranted, rather than sprawl.

Objective LU-8

Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

Policy LU-8B

Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

Policy LU-9H

Miami-Dade County shall continue its special area planning program with emphasis on the preparation of physical land use and urban design plans for strategic and high-growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

Policy LU-9J

Miami-Dade County shall continue to use the design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County, and shall consider the inclusion of such guidelines into its land development regulations.

Business and Office: PageI-43 of the CDMP:

The depth of the ribbon for commercial development and other uses permitted under the Business and Office land use category is more generalized. In general, the depth should be limited to the norm for the strip, but may be approved at such other depth that will provide a logical transition to adjacent commercial and residential uses or accommodate vehicular parking to serve an adjacent use, provided that liberal permanent buffering is provided or other site planning or design features are used, to provide compatibility with any adjoining and adjacent residential uses that exist or are designated on the Land Use Plan map, in keeping with the Plan's policies.

5. LOCATION MAP FOR APPLICATION

See attached.

6. ATTACHMENTS:

Disclosure of Interest Form Aerial Photograph Location Map

7. COMPLETED DISCLOSURE FORMS

See attached.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

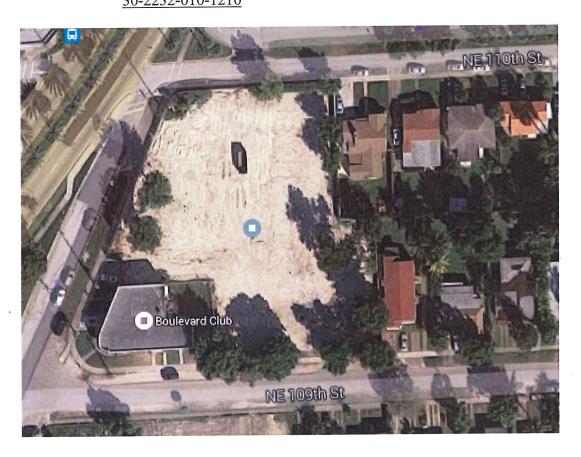
APPLICANT: Paloma Property Holdings LLC

DESCRIPTION OF SUBJECT AREA:

The Property comprises approximately 2.028 +/- gross acres (1.3559 +/- net acres), and is located at the northeast corner of N.E. 109th Street and Biscayne Boulevard in unincorporated Miami-Dade County, Florida, lying in Section 32, Township 52, Range 42 and being more particularly described on the Property legal description attached hereto and incorporated herein as Exhibit "A".

Folio Numbers:

30-2232-010-1200 30-2232-006-0160 30-2232-010-1210



DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

1. APPLICANT(S) NAME AND ADDRESS:

APPLICANT: Paloma Property Holdings LLC, C/O Sanford Reinhard, 1290 Weston Road, Suite 201, Weston, FL 33326; 786-285-1128

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
Paloma Property Holdings LLC	C X	30-2232-010-1200	.14353 +/- net
Paloma Property Holdings LLC		30-2232-006-0160	.14233 +/- net
Paloma Property Holdings LLC		30-2232-010-1210	1.07 +/- net
			application property
		1.3559 +/- net	total for all folios

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2. above.

APPLICANT	OWNER	LESSEE	CONTRACTOR	OTHER
			FOR PURCHASE	(Attach Explanation)
Paloma Property				
Holdings LLC	X			

- 4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.
 - a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST

b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: Paloma Property Ho	oldings LLC
NAME, ADDRESS AND OFFICE (if applicable)	PERCENTAGE OF INTEREST
Adriana Varela Rafi Design LTD (BVI) Hugo Belcastro Adriana Varela	2% 98% 50% of Rafi Design LTD (BVI) 50% of Rafi Design LTD (BVI)
beneficiary/beneficiaries consist of corpo entities, further disclosure shall be requ	rustee's name, the name and address of the e of interest held by each. [Note: where the pration(s), partnership(s), or other similar nired which discloses the identity of the the ultimate ownership interest in the
TRUSTEES NAME:	
BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
d. If the applicant is a PARTNERSHIP or LIM partnership, the name and address of the prin and limited partners and the percentage of in the partner(s) shall be required which disclopersons) having the ultimate ownership interests.	ncipals of the partnership, including general nterest held by each partner. [Note: where ses the identity of the individual(s) (natural
PARTNERSHIP NAME:	
NAME AND ADDRESS OF PARTNERS	PERCENTAGE OF INTEREST

e. If the applicant is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners, [Note: where the principal officers, stockholders, beneficiaries,

or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PERCENTAGE OF INTEREST

If	any contingency clause or contract terms involve additi	Date of Contractonal parties, list all individuals or officers if
a c	corporation, partnership, or trust.	
5.	DISCLOSURE OF OWNER'S INTEREST: Comple is the owner of record as shown on 2.a., above.	te only if an entity other than the applicant
	a. If the owner is an individual (natural person) owners below and the percentage of interest h	
	INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
	b. If the owner is a CORPORATION, list the of the principal stockholders and the percentage principal officers or stockholders consipartnership(s) or other similar entities, further discloses the identity of the individual(s) (national interest in the aforementioned entity.]	of stock owned by each. [Note: where the st of another corporation(s), trustee(s) orther disclosure shall be required which
	CORPORATION NAME:	
	NAME, ADDRESS AND OFFICE (if applicable)	PERCENTAGE OF STOCK
	c. If the owner is a TRUSTEE, and list the trust the trust and the percentage of interest	

aforementioned entity].

NAME AND ADDRESS

beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the

DENI	EFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
d.	If the owner is a PARTNERSHIP or LIMI partnership, the name and address of the pri and limited partners, and the percentage of partner(s) consist of another partnership(sentities, further disclosure shall be requindividual(s) (natural persons) having aforementioned entity].	ncipals of the partnership, including ge f interest held by each. [Note: where s), corporation(s) trust(s) or other sin ired which discloses the identity of
<u>NAM</u>	E AND ADDRESS OF PARTNERS	PERCENTAGE OF INTEREST
e.	If the owner is a CONTRACT FOR PURCE or not, and whether a Corporation, Trustee, purchasers below, including the principal of consist of another corporation, trust, par disclosure shall be required which disclosure persons) having the ultimate ownership interpretation.	or Partnership, list the names of the conficers, stockholders, beneficiaries, or partnership, or other similar entities, fues the identity of the individual(s) (name
NAM	E, ADDRESS AND OFFICE (if applicable)	PERCENTAGE OF INTEREST
		Date of Contract
	ingency clause or contract terms involve addi on, partnership, or trust.	tional parties, list all individuals or offic
рогии		

shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signature and Printed Name

PALOMA PROPERTY HOLDINGS LLC,

a Florida limited liability company

By:

GASTON CORRADI MY COMMISSION # FF 127828 EXPIRES: June 1, 2018

Martin Dimal, Authorized Signatory pursuant to Power of Attorney

Sworn to and subscribed before me this

26 day of May, 2016

Notary Public, State of Florida a

My Commission Expires:

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

LOCATION SKETCH

